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010/013

REMARKS/DISCUSSION:

This Amendment A is being filed within three months after the shortened statutory period for response that ended on June 23, 2006. Accordingly, a Petition for a Three-Month Extension of Time is attached hereto.

By this Amendment A, claims 1-14 remain pending in this application. Claims 1, 5, 6 and 10-14 stand rejected under 102 and claims 2-4 stand rejected under 103. Although the Office Action Summary indicates that all claims 1-14 are rejected, the Applicants were unable to find any reasoning for rejecting claims 7-9. Applicants respectfully request clarification.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Objections to the Specification

The Title stands objected to as being non-descriptive. The Title is amended to overcome the rejection.

The Abstract stands objected to as exceeding 150 words. The Abstract is amended to reduce the number of words.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 5, 6 and 10-14 stand rejected as being anticipated by U.S. Patent No. 5,897,569 to Kellogg et al. ("Kellogg") as noted in the Office Action.

Applicants respectfully transverse the Examiner's rejection of Claims 1, 5, 6 and 10-14 over Kellogg because, according to Applicants' understanding, the Kellogg reference neither teaches nor suggests the elements of the Applicant's invention. It is Applicant's understanding that a claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference. See for example MPEP 2131.

Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim, and the elements must be arranged as required by the claim. Under this standard, Applicant submits that Kellogg fails to anticipate, at a minimum, Independent claim 1.

Among other things, the Examiner asserts that Kellogg discloses "a current sensor (30-15) (col. 8, lines 47-51) that senses the current in the line and produces a current signal related thereto". The wording of claim 1, however, requires that an amplifier supplies energy to a handpiece through a line, and that it is the "current in the line" that is sensed by the current sensor. A comparison of figure 3b of the application and figure 3 of Kellogg clearly indicates that Kellogg fails to disclose or suggest such a feature. In figure 3b of the application, a current sensor 88 is connected to the line, downstream of the step up power transformer 86. This sensor senses the current in the line. In figure 3 of Kellogg, there are no connections to the line (i.e. downstream of the isolation transformer). Accordingly, Kellogg does not disclose or suggest "a current sensor that senses the current in the line".

The Examiner also asserts that Kellogg discloses "a voltage sensor (E1) (col. 8, lines 54-55) which senses the voltage on the line and produces a voltage signal related thereto". The same arguments as given in respect of the current sensor apply here (compare again figure 3b of the application with figure 3 of Kellogg). Kellogg fails to disclose or suggest a "voltage sensor which senses the voltage on the line".

As the Examiner will appreciate, these differences are fundamental. The absence of the above claimed features from Kellogg results in the absence of many other features of claim 1 from Kellogg. For example, Kellogg cannot disclose or suggest "a comparator which compares the current signal to the

variable present current value and produces a difference signal that is applied to the analog input drive signal so as to change the amplitude of the drive signal to cause the current signal to match the present value". Kellogg cannot disclose or suggest "a digital phase detector which compares the current signal to the voltage signal and generates a digital phase code related to the phase difference between them". Kellogg cannot disclose or suggest "a digital impedance detector which compares the ratio of the voltage signal to the current signal and generates a digital impedance code related thereto". The current signal nor the voltage signal recited in the claims are not and cannot be produced in Kellogg. For this reason none of the above elements are disclosed in or suggested by Kellogg.

Further, Kellogg neither discloses nor suggests "a digital controller which receives the digital phase code and the digital impedance code and produces a digital frequency code in response thereto". The digital phase code and the digital impedance code of claim 1 are generated using the current signal that represents the current in the line and the voltage signal that represents the voltage on the line. These currents/voltages are not and cannot be sensed by the apparatus disclosed in Kellogg. It therefore follows that the digital phase code and the digital impedance code the are claimed are not and cannot be produced the Kellogg. It also follows that the apparatus disclosed in Kellogg does not and cannot convert the digital frequency code to an analog frequency signal. Kellogg therefore cannot disclose or suggest "a direct digital synthesis circuit for converting the digital frequency code to an analog frequency signal that is applied to the analog input drive signal generator so as to maintain the frequency that the resonance frequency".

Therefore, Kellogg does not anticipate claim 1 or claims 5, 6, and 10-14 based on their dependency to claim 1.

Applicants respectfully request reconsideration of the rejection.

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Rejection under 35 U.S.C. § 103(a)

Claims 2-4 stand rejected as being unpatentable over Kellogg in view of US Patent No. 6,066,135 to Honda. Claims 2-4 depend upon claim 1, and based on the previous discussions, neither Kellogg nor Honda, alone or in combination, disclose or suggest the claimed invention. Reconsideration is requested.

Beyond the foregoing shortcomings with respect to the rejections of claim 1, Applicants further note that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for novelty and non-obviousness.

Conclusion

Applicants submit that in view of the discussion, the rejections under 35 U.S.C. §§ 102 and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-0691/VEK.

Respectfully submitted,

Verne E. Kreger, Jr., Reg. #35231/
Verne E. Kreger, Jr.

Verne E. Kreger, Jr.
Attorney for the Applicant(s)
Reg. No. 35,231

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
513 337-3295
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